

Appl. No. 10/674,670
Docket No. CM2701Q
Amdt. dated April 8, 2008
Reply to Office Action mailed on January 10, 2008
Customer No. 27752

REMARKS

Claim Status

Claims 1-9 and 21-29 are pending in the present application. No additional claims fee is believed to be due.

Claim 11 is canceled without prejudice.

Claims 1 and 21 have been rewritten to more specifically characterize the nonwoven material recited in these claims. Support for this amendment is found at page 13, line 33 – page 14, line 4 of the specification and original claims 1 and 21.

Claims 5-7 and 25-27 have been amended to replace the term “polymerized hydrophilic monomer” with the term “monomer molecule”. In addition, the term “a molecule comprising” has been deleted from claims 5-7 and 25-27.

Claims 8-9 and 28-29 have been amended to recite weight percentages based on the weight of the fibers.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over Funk, et al.

Claims 1-9, 11, and 21-29 have been rejected under 35 USC §103(a) as being unpatentable over Funk, et al. (U.S. Patent No. 7,144,957, hereinafter “Funk”). Applicants respectfully traverse the rejection.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (MPEP §2143).

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Claims 1 and 21 of the present application recite, *inter alia*, hydrophilic polymers chemically grafted to fibers by way of reactive radicals formed from at least one of (i) a reaction between a monomer molecule and a radical polymerization initiator molecule and (ii) a reaction between the fiber surface and a radical polymerization initiator molecule.

As best understood by Applicants, Funk is directed to providing a mix of acidic and neutral hydrogels in a defined ratio in an absorbent article to achieve desirable odor reduction and absorbency characteristics in the absorbent article. (Funk, col. 7, lines 6-20). While Applicants appreciate that Funk may disclose hydrophilic polymers disposed in the fibrous core of an absorbent article, there is still no teaching or suggestion of hydrophilic polymers chemically grafted to fibers, as recited in claims 1 and 21 of the present application.

Applicants submit that one of ordinary skill in the art would recognize that “fixing” hydrogel particles in a fiber matrix as disclosed in Funk is not the same as chemically grafting hydrophilic polymers to fibers by way of reactive radicals, as recited in claims 1 and 21 of the present application. (See Funk, col. 21, lines 31-37).

Additionally, claims 1 and 21 recite, *inter alia*, the presence of agent molecules. The Office Action does not state nor are Applicants able to find in Funk where there is any teaching or suggestion of agent molecules.

Further, claims 1 and 21 recite, *inter alia*, a nonwoven having a liquid strike through time of less than 5 s for a fifth gush of liquid and a nonwoven that provides a surface tension measurement of at least 65 mN/m according to the Determination of Surface Tension method.

The Office Action states “[w]hen the structure of composition recited in the reference is substantially identical to that of the claims the instant invention, claimed properties or functions [are] presumed to be inherent.” (The Office Action, page 3).

As pointed out above, Funk fails to teach or suggest each and every structural element recited in claims 1 and 21, and therefore it is Applicants position that the Office’s assertion of inherency is improper.

In light of these remarks, it is Applicants position that Funk does not teach or suggest each and every element of claims 1, 21, and their respective dependent claims.

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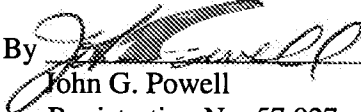
Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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